

EAST AFR. PROT.

37157

REC'D
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Governor
Milfield 536

1915

27th July

Last previous Paper.

402
37141

FRENCH SUBJECTS IN MOMBASA
PAYMENT OF CONSERVANCY FEES

The corres. with French Consular Agent Encloses memos. by the Attorney General with which he agrees. As F.O. may have some observations is referring matter home.

~~Mr. B. ...~~
Mr. G. Fiddes.

The Zanzibar papers referred to are in the lower bundle

Please see also 37141.

The F.O. told us in 15452 that we might levy municipal rates in Mombasa - that was after the expiration of the German Treaty by which that country with a "not favoured nation" clause could also claim.

The French claim under the present Treaty of 1844 which, in connexion with Zanzibar itself, is referred to on p. 14 of the memo: in 27664/13 2 bar. In 6497/14 2 bar, the F.O. refer to the attempts to get rid of the 1844 Treaty & say that it could be unless to ask the French to surrender their rights in Z'bar without a

Cop. 30 Louis 20 Aug 15
Mr. C. ... 21 Sept 15 in 42229.5

Next subsequent Paper

72
62229

of Zanzibar Treaty annexed. Mr. Bant's
description of the provisions as regards taxation
(last vol. in 37/41) appears to be correct.

agree
28/1

? Copy of both despatches, & enclosures,
to F.O. with reference to 13452/13 S.A.P. and
6497/14 Zanzibar. Ask for views as to
the soundness of the French claims in these
two instances. Say that if this view
expressed in 25625/15 Z'bar, that the
present moment is inopportune for raising
the question of French rights applicable equally
to them the mainland coast as to the
Z'bar itself. The Governor will be instructed
to relieve all French citizens & protected
persons from municipal or general
taxation until further notice.

G.L.B. 17.8.75

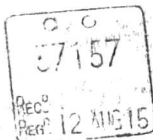
11/11 15/8/15
at home
P.M. 14.8.15

GOVERNMENT HOUSE,
NAIROBI,
BRITISH EAST AFRICA.

EAST AFRICA PROTECTORATE.

No. 536.

July 8th, 1915.



Sir,

With reference to my despatch No. 509 of the 25th ultimo, I have the honour to transmit herewith copies of correspondence between this Government and the French Consular Agent at Mombasa respecting the liability of French nationals and those under the protection of France residing in that town to pay conservancy fees. I attach also two memoranda on the subject by the Attorney General.

2. I agree with the views expressed by Mr. Barth but since this matter also has a certain international importance, I am referring it to you in case the Foreign Office may have any observations to make.

3. I have informed Mr. Carougeau accordingly.

I have the honour to be,

Sir,

Your humble, obedient servant,

Albany Beyer

GOVERNOR.

THE RIGHT HONOURABLE

ANDREW BONAR LAW, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S. W.

502
37141

Mr. Carougeau

8-4-15

Mr. Carougeau

17-4-15

Mr. Carougeau

10-5-15

Mr. Carougeau

8-7-15

Attorney General

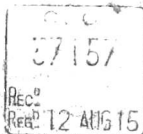
18-4-15

Do.

6-7-15

167
INCLOSURE No 1

In Dispatch No. 536 of July 5th 1915
Mombasa, le 8 avril 1915.



Monsieur le Secrétaire,

J'ai l'honneur de vous informer que le Superintendent of Inland Revenue & Conservancy Department de Mombasa réclame des Français et ressortissants possédant des chiens le payment d'une taxe en vertu de certaines Township rules. J'ai l'honneur de protester contre l'application de ces Township rules aux Français et ressortissants et ce vertu des clauses du traité de 1844 avec S H le Sultan de Zansibar, les Français et ressortissants n'ont pas à payer ces taxes et je vous serai obligé de bien vouloir aviser le Conservancy Department d'ici en conséquence. Veuillez agréer, Monsieur le Secrétaire, l'assurance de ma haute considération.

L'Agent Consulaire de France

84/- M. CAROUGEAU.

The CHIEF SECRETARY to the ADMINISTRATION
NAIROBI.

INCLOSURE

In despatch No. 536 of July 20th 1915

The Secretariat,
Nairobi,
April 17th, 1915.

In reply please
quote No.S.11812/5.

163

Sir,

I have the honour to acknowledge the receipt of your letter of the 8th instant and in reply to request you to be good enough to specify the article of the Treaty of 1844 with H.H.The Sultan of Zanzibar on which you base your objection to the imposition of dog licences under the Township rules.

I have etc.

sd. E.P.EVANS.

for Chief Secretary to the Government.

The French Consular Agent,

Mombasa.

Agence Consulaire

Mombasa le 10 Mai 1915.

de

France

Mombasa

Monsieur le Secrétaire

J'ai l'honneur d'accuser réception de votre lettre du 17 avril No S 11812/5.

Aucun article du traité de 1844 ne se réfère spécialement à la taxe sur les chiens mais notre thèse est que les seules taxes applicables à nos nationaux ou protégés sont celles inscrites dans le Traité à l'exclusion de toutes autres qui ne leur sont pas applicables. Cette thèse a toujours été la nôtre comme d'ailleurs celle de toutes les puissances contractantes avec S.M. le Sultan de Zanzibar et elle était aussi sans nul doute celle de la Grande Bretagne avant qu'elle n'ait étendu son Protectorat au Sultanat de Zanzibar.

Je dois en outre vous faire remarquer que cette thèse peut encore s'autoriser du respect qui lui a été continuellement accordé depuis la signature du dit Traité jusqu'à maintenant et des usages en pays de législation similaire tels que l'Egypte.

Veillez agréer Monsieur le Secrétaire

re, l'assurance de ma haute considération.

L'Agent Consulaire de France

Sd/Carougeau

The Chief Secretary
to the Government
Nairobi.

11612/11

170

8th July, 1915.

Sir,

I have the honour to acknowledge the receipt of your letter of the 10th May respecting the liability of French nationals and those under the protection of France to pay conservancy fees.

2. I regret that this Government is unable, as at present advised, to accept the view which you have advanced, but since the question raised affects the treaty rights of France, it is being referred to the Secretary of State for instructions and I will address you further when his reply is received.

I have the honour to be,

Sir,

Your most obedient servant,

Ed. W. Mansel

for CHIEF SECRETARY to the GOVERNMENT.

M. CAROUGAN,

CONSULAR AGENT FOR FRANCE,

M O M B A S A.

April 16th 1916.

The Honr. Chief Secretary,

Reference No. S. 11612/3. Your Memo of the 16th
instant.French Consul re collection of Conservancy
fees at Mombasa.

With reference to the protest made by the French Consular Agent against the imposition of a registration or licence fee for a dog under the Rules applicable to Mombasa promulgated under the East Africa Townships Ordinance, 1903, I am of opinion, so far as I am at present advised, that there is nothing in the French Treaty with the Imam of Muscat of 1844 which prohibits the imposition of such a fee.

It would be of advantage if the French Consular Agent were to specify the article of the Treaty on which he relies.

Sd J. B. ...
ATTORNEY GENERAL.

536 July 8th 1915

July 8th 1915.

The Hon: Chief Secretary,

Reference No.S.11812/8 of the 13th May.French Consul's Collection
of Conservancy Fees at

Bombay.

For the reasons set out in my No.M.214/15 of the 22nd ultimo (vide No.S.13017) I am of the opinion that Mr. Carougean's contention is ill-founded and I am of opinion that the case should be included in the submission to the Secretary of State for reference to the Foreign Office for an opinion.

2. I might add that I am of opinion that Article VI of the American Treaty with the Sultan of Muscat which might be advanced in favour of Mr. Carougean's contention does not give freedom from taxation other than import duties and from any tax for "liberty" to land and reside. In other words the only form of taxation prohibited by the Article is that for a "patente".

Sd/-
ATTORNEY GENERAL.

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S.A.S. ✓

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The U.S. Off.
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MINUTE.

- Mr. *Boston 19/8/15 fr.*
- Mr.
- Mr.
- Mr.
- Sir G. Fiddes.
- Sir H. Just.
- Sir J. Anderson.
- Mr. Steil-Maitland.
- Mr. Bonar Law.

Recd 42229

Sir,

I am directed by the
 Secy. Board how to
 transmit to you to be
 laid before Secy. Sir
 Edward Grey, the
 accompanying copies of
 two despatches which
 have been received from
 the Govt of the S.A.S.
 relative to the claims put
 forward by the French
 Consular Agent for the
 exemption of French merchants

& protected persons
 residing in harbours
 from consular fees
 and for the exemption of
 Consular residences
 domiciled in the local
 ships of the Protectorate
 for

Cor. no. 509 25 June 1905

Cor. no. 536 8 July 1905

from the payment of
land tax.

2. The former law will
be held to be furnished
with the S. Gray's views
as to the validity of
M. Carougeau's claims.

With regard to the former,
I am to invite attention to
your letter no. 19129/13 of
the 6th of May, 1913, in
which Sir S. Gray's concerns
were canvassed in
compulsory levy of rates at
Zanzibar was expressed.

3. Since that date, however,
the question of foreign treaty
rights in the Island
dominion of the Sultan of
Zanzibar has frequently
been considered. In your
letter no. 48882/13 of the
19th of February 1914 it
was pointed out that there
was little likelihood of a change
the French Government
surrender their rights in
Zanzibar until H. M. Govt.

15452/13 S.P.

6497/14 Z'Govt

25625/15 Z'Govt

were in a position to
offer their own
return, and in your
letter no. 56633/15 of the
2nd of June last you
stated that Sir S. Gray
did not consider it a sound
objection for raising the
question of French rights.

4. If the views expressed
in the last letter, reference of
the 2nd of June applies
with a great force to
the mainland as to the
Island dominion of the
Sultan, ^{in the} ~~in the~~
presence that it will
be necessary to ^{without} ~~with~~ the
Govt of the S.P. to
revoke all French
citizens and protected
persons from municipal
or general taxation
until further notice.

(SIGNED) HENRY LAMBERT,
First Under Secretary of State.